

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

Dated: 12.06.2007

..... PETITIONERS

...RESPONDENTS

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WRIT PETITION No.2935 of 2000

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It may not be necessary to advert to various facts mentioned in the affidavit filed in support of the writ petition for the reasons given hereinafter. Evidently the 1st respondent-Joint Collector, by order dated 31.12.1999, vacated the interim order granted earlier in proceedings No.D5/4791/97 dated 21.08.1999. The said order was passed after hearing all the parties including the impleaded parties. After passing this order, suo motu and without any application from any of the parties, the 1st respondent modified the said order on 29.01.2000

to the following effect:

“This case has come up for hearing today i.e, on 29.01.2000 in the presence of both the parties. Heard the arguments of the counsels on the issue of proceedings of this office dated 31.12.1999. In view of the conflicting contentions, the orders issued earlier in this office proceedings No.D5/4791/97 dated 31.12.1999 is modified and all the parties are directed not to raise any constructions till the case is disposed. The case is posted for hearing on 09.02.2000 at 3-00 P.M.”

The main case was pending when the said order was passed. The order impugned in this writ petition was passed suo motu and without hearing the parties. Therefore, the order is not sustainable. It is brought to the notice of this Court by the learned Counsel for the petitioners that the petitioners as well as the 2nd respondent instituted suits being O.S.No.415 of 2002 and O.S.No.384 of 2002 respectively on the file of the Principal Junior Civil Judge, Ranga Reddy District for the relief of permanent injunction and the same are pending.

In the aforementioned circumstances, the writ petition is allowed and the impugned order dated 29.01.2000 is quashed. The parties are at liberty to pursue their remedies that are available under law. No costs.

12-06-2007
Gsn.

(GOPALA KRISHNA TAMADA, J)